

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 17,227
	)	
Appeal of	)	

INTRODUCTION

The petitioner requests that the Board reopen its decision of November 2, 2001 dismissing her case because she had failed to state any facts upon which relief could be granted.

FINDINGS OF FACT

1. The Board met to discuss the hearing officer's recommendation in Fair Hearing No. 17,227 on October 31, 2001. The petitioner did not appear at the Board meeting to argue her case. On November 2, 2001, the Board entered an order dismissing the petitioner's appeal for failure to state a cause upon which relief could be granted.

2. On the same day the order was entered, a five page document arrived at the Board's office in which the petitioner asked to "correct errors" in the findings of fact made by the hearing officer in her proposed recommendation in Fair Hearing No. 17,227. The clerk advised the petitioner that the Board

had finalized the decision and that she would have to make a Motion to Reopen.

3. The petitioner requested a reopening and a hearing was held to take evidence as to her reasons for requesting the reopening. At the hearing, the petitioner agreed that she had received notice of the October 31, 2001 meeting of the Board but stated that she did not understand that she could appear before the Board to ask that the errors be corrected. Although she has filed many appeals, the petitioner has never appeared before the Board with regard to the recommendations. While the notice does give details of the Board meeting, it did not expressly state the petitioner could appear before the Board. The hearing officer finds it credible that the petitioner was confused as to the process which occurs beyond the hearing in the local district office.

4. The petitioner contends that there were many errors in the findings of fact which she wants to bring to the Board's attention. She feels correction of these errors would lead to a finding that she can obtain relief from the Board. She intends to appear before the Board either in person or by telephone if she is allowed to reopen this matter.

ORDER

The petitioner's request to reopen the decision for oral argument before the Board was granted and an immediate rehearing was held. After the presentation of oral argument, the Board reaffirms and readopts its prior order of November 2, 2001. The petitioner should note that she may have rights under Section 504 or the special education law regarding her son's difficulties at school. She may contact the Department of Education at (802) 828-3136 with regard to those concerns.

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